

MINUTES
INDEPENDENCE CITY PLANNING COMMISSION
July 12, 2022

MEMBERS PRESENT

Bill Preston, Vice-Chair
Virginia Ferguson
Heather Wiley
Paul Michell
Bryce Young*
Butch Nesbitt

STAFF PRESENT

Rick Arroyo – Assistant Director
Stuart Borders – Senior Planner
Brian Harker – Planner
Joe Lauber – Assistant City Attorney

A meeting of the Independence City Planning Commission was held at 6:00 p.m. on July 12, 2022, in the Independence City Hall Council Chambers, 111 E. Maple Ave. The meeting was called to order.

CONSENT AGENDA

1. Planning Commission Minutes – June 28, 2022

Motion

Commissioner Wiley made a motion to approve the Consent Agenda. Commissioner Nesbitt seconded the motion. The motion passed with five affirmative votes.

*Commissioner Young entered the meeting at 6:07 p.m.

CASE TO BE CONTINUED

Staff requested the following cases be continued to the July 26, 2022, Planning Commission meeting:

Case 22-200-08 – Rezoning – Midwest Custom Automotive Group - 9304 E. US 40 Highway

Motion

Commissioner Wiley made a motion to continue Case 22-200-08 – Rezoning – Midwest Custom Automotive Group - 9304 E. US 40 Highway to the July 26, 2022, Planning Commission meeting. Commissioner Ferguson seconded the motion. The motion passed with six affirmative votes.

PUBLIC HEARINGS

Continued Case 22-100-05 – Rezoning – 8712 E. Winner Rd

Staff Presentation

Brian Harker provided a review of the case. Mr. Arroyo stated staff met with the Assistant City Attorneys and provided information to the Commission on the legality of placing conditions on a rezoning. He stated while conditions could be placed on a rezoning application, there are challenges that if the applicant does not meet those conditions, staff would be compelled to begin a staff-initiated rezoning to zone it back to the original zoning. This however may create legal

pitfalls if the property is no longer owned by the original applicant. Mr. Arroyo noted staff does not have a way to track conditions on a rezoning.

Mr. Arroyo stated the best guidance the City has for determining the future zoning is the 2018 Image Independence Comprehensive Plan. This plan also references the 24 Highway Corridor Study and noted this plan does provide a vision for Independence through 2040. He stated these plans were a culmination of months of community engagement from members of the public, local officials, steering committees and staff.

Mr. Arroyo reminded the Commission the rezoning application should be evaluated based on the appropriateness of the applicants requested rezoning to a C-3 and all the potential uses that a C-3 zoning would allow.

Mr. Arroyo stated as an alternative, the Commission could ask the applicant to consider working with staff to change this applicant to a request for a Rezoning/PUD (Preliminary Development Plan case). If approved, the property would remain zoned C-2, but the PUD could allow the C-3 use he is requesting. He noted staff would not charge an additional fee if the applicant wanted to change the applicant request. Mr. Arroyo stated the applicant would be required to submit a surveyed site plan with approved engineering drawings necessary to meet all applicable City codes and permits for the business requested before this new case could be placed on a future Planning Commission agenda.

In response to Commissioner Young's question, Mr. Arroyo stated the applicant would be required to pay an engineer to development a Preliminary Development Plan. Mr. Arroyo noted if the current application was approved, the applicant would still be required to submit engineering plans, the only extra cost would be the added Preliminary Development Plan page.

Applicant Comments

Joseph Saitta, 10606 N. Willow Avenue, Kansas City, stated he would like to work with staff to change the applicant to a Rezoning/PUD applicant.

Public Comments

No public comments.

Commissioner Comments

In response to Commissioner Michell's question, Assistant City Attorney Joe Lauber stated the Commission would motion to continue the case indefinitely, if they want the applicant to work with staff to change the type of application submitted.

Motion

Commissioner Wiley made a motion to postpone consideration of Case 22-100-05 – Rezoning – 8712 E. Winner Road indefinitely. Commissioner Michell seconded the motion. The motion passed with six affirmative votes.

Continued Case 22-100-06 – Rezoning – 13001 E. US 40 Highway

Staff Presentation

Stuart Borders presented the case. Mr. Borders presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses. Mr. Borders noted staff does not recommend approval of this case.

In response to Vice-Chair Preston's question, Mr. Arroyo stated this is very similar to the previous case. He said this could be considered in the same manner if the applicant and the Commission so wished.

Applicant Comments

Joe Bartels, 412 SW Eagles Ridge Drive, Blue Springs, stated he and other contractors need storage space. Mr. Bartels said he has had a lot of theft and would like to have this secure place for storage for himself and other contractors.

Mr. Bartels stated he would like the opportunity to work with staff to change his applicant to a Rezoning/PUD.

Mr. Arroyo noted if this application is changed to Rezoning/PUD case, staff would want to see a building instead of shipping containers. He said there could be substantial site improvements required as well.

Public Comments

No public comments.

Commissioner Comments

Commissioner Michell stated this rezoning as submitted would not be compatible with the surrounding area. He said he would like to see this postponed to give the applicant to work with staff on a Rezoning/PUD.

Commissioner Nesbitt stated he doesn't like the idea of shipping containers sitting outside. He noted there is a place in Liberty that he would like the applicant to visit to see how they handle outdoor storage. He stated it looks nice and wouldn't be an eyesore for neighbors.

Motion

Commissioner Nesbitt made a motion to postpone consideration of Case 22-100-06 – Rezoning – 13001 E. US 40 Highway indefinitely. Commissioner Michell seconded the motion. The motion passed with six affirmative votes.

Case 22-125-08 – Rezoning – 2610 and 2612 S. Lee's Summit Road

Staff Presentation

Brian Harker presented the case. Mr. Harker presented the Commission with a vicinity map, noting the area and surrounding zoning. He presented the Commission with an aerial map indicating the project area and explained the surrounding land uses. Mr. Harker outlined the following conditions:

- 1) For the Final Development Plan, create a denser landscaped buffer along the southern edge of the property. Create a Medium-Intensity landscape buffer per the landscaping section of the Unified Development Ordinance (UDO);
- 2) Provide a four-foot high berm along Lee's Summit Road. Submit a cross-section elevation with the Final Development Plan;
- 3) All sidewalks provided must be 5-foot wide to meet ADA requirements;
- 4) Provide parking lot parameter trees and shrubs, and shrubs around the buildings (the exact number of plantings worked out with staff for the Final Development Plan);
- 5) The Final Development Plan should provide an elevation of a entry sign/feature;
- 6) Stripe a left-turn lane at the entrance to the proposed development;

- 7) The Masonry façades on the front elevations of the buildings must be carried for at least two feet onto the adjacent side elevations and across all right-of-way facing façades;
- 8) On the Final Development Plan, label the new public right-of-way, “E. 26th Terrace Court S.” The units will be addressed on the Final Development Plan as well;
- 9) Prior to the issuance of any building permits, a replat of the property shall be approved.

Applicant Comments

Bill Moore, attorney with Rouse Frets White Goss Gentile Rhodes, 4510 Belview Ave, Kansas City, stated he represents the applicants. Mr. Moore stated this is a unique project between a church and a private developer. His applicants would like to provide housing options to senior citizens. Mr. Moore stated he does have a couple of question for staff. The first question is the request for medium density landscaping in addition to the fence or in lieu of the fence. The second question is pertaining to the width of the sidewalks requested by staff.

Joseph O’Loughlin, 3601 S. Marshall Drive, stated he has a background in aging services and property development. He said this development would create housing for independent living for senior citizens. The units would be wheelchair accessible and create an important community for those residents. Mr. O’Loughlin provided an overview of the floorplan and noted all of the units will have two bedroom and two bathrooms. There will be units with and without garages.

Bryan Rahn, High Point Design Studio, 1000 NW High Point Drive, Lee’s Summit, stated this project meets a need of the community. Mr. Rahn reviewed the plans and noted they took rising construction costs into consideration on this plan.

Mr. O’Loughlin reviewed the conditions outlined by staff and stated they are okay with the conditions. He stated they held a neighborhood meeting on April 14, 2022, to talk about this project with surrounding property owners. He said they incorporated some changes into their plans after talking with neighbors. Mr. O’Loughlin reviewed some of the numbers from the Traffic Impact Study.

Brandon Watkiss, Englewood Assembly of God Church, 717 SW 40th Street, Blue Springs, stated he is the pastor of the church. He said the church originally wished to put a school and/or a new church on this property. Since it is not a viable option currently, they seek to work with Mr. O’Loughlin to create this development. Mr. Watkiss stated they believe this meets a housing need for the City of Independence.

In response to Mr. Moore’s questions, Mr. Harker stated the fence is rod-iron and the medium density landscaping would create a better buffer. In response to the sidewalk width question, Mr. Arroyo stated the ADA requirement for a sidewalk is 5-feet to allow two wheelchairs side by side.

Public Comments

Jim Wallen, 4710 Mayview Terrace Court, Blue Springs, stated he wishes this project would have been completed several years ago. He said when he and his wife needed somewhere to go after having major surgery, they had issues finding a good place to go. Mr. Wallen stated the places he could find were out of their price range.

JC Ganote, 2804 NW Nutall Court, Lee’s Summit, stated he agrees that this is a good project. He said something has to happen with the property, whether it’s a commercial use as it’s zoned now, or housing as proposed. He believes this type of housing is needed in Independence.

Gigi Yates, 16303 E. Ellison Way, stated she's recently been homeless. She stated she believes housing like this is needed in Independence and is in favor of this application.

At Vice-Chair Preston's request, Mr. O'Loughlin spoke about the results of the neighborhood meetings. Mr. O'Loughlin stated they met with the Drumm Farm Homeowner Association who stated they would like to see the property remain vacant; however, they understood that it couldn't remain that way forever. He said they were okay with the plans he submitted. In April, they held a meeting at the Midwest Genealogy Library. Several residents were concerned about their property values declining. Mr. O'Loughlin stated neighbors requested more buffering, which was added to the plans. He noted the homes will have a variety of gables so it will look like a nice neighborhood.

Curt George, 2701 Breckenridge Drive, questioned if the cottonwood tree behind his residence would be cut down.

John Olivarez, 2525 S. Lee's Summit Road, stated he believes this type of development is needed for the city, but does not believe this is a good location. He said surrounding residents have a lot of issues already. Mr. Olivarez stated they have a lot of traffic from schools and from I-70. He would like to see single family houses at this location. Mr. Olivarez said the duplexes in the area are unsightly. He noted emergency vehicles fly down Lee's Summit Road, and he noted he would like to see ambulances use 291 instead. Mr. Olivarez stated he never got a notification about the neighborhood meeting.

Kent Maune, 2507 S. Lee's Summit Road, stated he also did not get notification of the meetings. He said his main concern is traffic in the area and doesn't believe the traffic study is correct. Mr. Maune described several traffic issues he's seen in the area and said a traffic light should be required if this development goes in.

George Kapke, 15800 E. 27th Street, stated he attended a neighborhood meeting and stated it was not as described by Mr. Loughlin. He said neighbors brought up a lot of concerns about this project. Mr. Kapke said this proposal is too dense in this single-family residential area. He stated the neighboring properties will see a decline in property values. Mr. Kapke stated he is concerned about the lack of buffering from the south side of this development and the north side of Drumm Farm. He expressed concern about the traffic and parking availability for the development. Mr. Kapke said the City cannot guarantee that this will be used for only senior citizens. He said as soon as there is a vacancy, the developer will take the first available tenant, regardless of age. Mr. Kapke said there is not room for the denser landscaping.

James Psaras, 2713 S. Woodbury Drive, stated he is not in favor of this project due to the density and traffic concerns. He said he's also concerned about the water runoff from this project.

Ted Sikora, 2816 S. Woodbury Drive, stated the development plan shows a dog park and community house along Lee's Summit Road. He questioned the berm location and if there would still be room for the dog park.

Steve Weller, 15804 E. 27th Street, stated he is concerned that the City can't guarantee this will remain housing for only senior citizens. He stated he believed all of the units should have garages, if the developer is concerned about the safety of the seniors. Mr. Weller said when he purchased the property he was told the vacant lot would be a school or church. He stated he would not have purchased the property if he'd know multi-unit housing could go in the lot. Mr. Weller stated he believes Independence has enough senior housing. He noted at the

neighborhood meeting he felt the applicant was being threatening, stating that if this development isn't approved, worse things could go in the current zoning. He said they were threatened with baseball fields and shipping containers.

John Darst, 2741 S. Breckenridge, stated he agrees with those comments made by those in opposition of this project. He said he is concerned about two large parking lots planned.

Pam Nickerson, 2420 S. Lee's Summit Road, stated she agrees with those comments made by those in opposition of this project. She asked if the Independence School District is okay with this project being right across the street from an elementary school. Ms. Nickerson expressed concern about the proposed sidewalks. She asked if the church would retain ownership of the property and questioned if the church could use it for homeless or less fortunate citizens.

Patricia Moore, 2705 S. Haden Court, stated she believes this could be a good development, but does not believe this is the right place for it. Ms. Moore expressed concerns over traffic and discussed the number of accidents she and her neighbors see. She stated she's also worried about large trees being planted right under power lines.

Mr. Moore stated the Traffic Impact Study was done using the city parameters and was reviewed by the City's traffic engineer. He noted the additional striping was at the City's suggestion. He stated the location was the drive was selected in consultation with City staff.

In response to Commissioner Nesbitt's question, Mr. Moore stated the drive would like up with the entrance of the Glendale Elementary School. Mr. Moore noted there would be one entrance and one exit, like Drumm Farm Villas. He stated there is an emergency exit drive for emergency vehicles.

Mr. Moore stated this development can be restricted for senior housing and there are certain requirements that have to be met. He said if the requirements aren't met, it would be a violation of the Fair Housing Law. He described the process to put age restrictions in place, including creating restrictive covenants that will bind the property to those regulations. He noted removing covenants would not be an easy process.

In response to the questions about landscaping, Mr. Moore noted it will take some time for medium density landscaping to grow.

At 8:50 p.m. Vice-Chair Preston called for a 10-minute break. The meeting was called back to order at 9:00 p.m.

Mr. O'Loughlin stated if you look at similar housing developments, they do not negatively affect surrounding homes. He noted the trees would start out as small trees and would be large, beautiful trees in several years. Mr. O'Loughlin stated the church would remain a property owner and they would work together to accomplish this development. He noted it would be owned by an LLC and he and the church would be the owners. Mr. O'Loughlin stated this would be a maintenance free development, where grass and other maintenance would be provided, including changing light bulbs for residents.

In response to Commissioner Nesbitt's question, Mr. O'Loughlin stated this type of housing is in demand and showed as under served in the City's recent Housing Study. He clarified this will be classified as independent living. The current projected rent would be \$1,250- for those units without a garage and \$1,400 for garage units. He noted living space is just under 1,000 square

feet. Mr. O'Loughlin stated there will be room for trees in the back yards, even though there is only 25-feet. He noted the front of the units will have large front porches for residents to enjoy.

In response to Commissioner Nesbitt's question, Mr. Rahn stated the development is designed so vehicles will not use the sidewalks for parking. He said the garage width is approximately 12-foot and noted typical parking is 9-foot wide. Mr. Rahn stated the City has parking requirements and the two parking lots would provide 36 spots for residents and visitors to use.

Mr. O'Loughlin confirmed all units will have 2 bedrooms and 2 bathrooms.

In response to Commission Michell's question, Mr. Lauber explained restrictive covenants and noted it would not be up to the City to enforce those covenants. Mr. Harker noted these units would only be on one, possibly two parcels.

In response to Commissioner Ferguson's question, Mr. O'Loughlin confirmed there would not be steps anywhere in the development, including the sidewalks. He noted there would be gentle slopes and benches throughout. Mr. Arroyo said PROWAG (Public Right-of-way Accessibility Guidelines) outlines the slope requirements to be ADA accessible. Mr. Arroyo noted typically the developer will grade the property to ensure it can conform with those standards. Mr. Arroyo confirmed the proposed streets would be City streets.

Commissioner Comments

Commissioner Nesbitt expressed concern that we will require large trees under power lines that will eventually require the City to trim. Commissioner Nesbitt questioned why a streetlight would not be required. Mr. Arroyo stated Professional Traffic Operations Engineers (PTOE) use national guidelines when determining if a streetlight is needed. He noted lights usually require thousands of vehicles or a site distance issue.

Vice-Chair Preston asked if parking would be allowed on the street. Mr. Moore stated as final development plan is configured, that issue would be addressed. He said it may be a neighborhood driven issue rather than a City restriction. Mr. Moore stated they don't anticipate a need for on-street parking.

In response to Commissioner Young's question, Mr. O'Loughlin stated if this project doesn't get approval, they will look at possibly building a nursing home, or a 3-story building with commercial in the basement and apartments above. He stated he believes those uses would be allowed with its current zoning. Mr. O'Loughlin said they started this project because they felt it would better fit the surrounding neighborhood.

Commissioner Nesbitt stated he believes this development to too dense and too close to surrounding properties. He said he also believes the Traffic Impact Study is wrong and a light should be required.

In response to Vice-Chair Preston's questions, Mr. Arroyo outlined the Traffic Impact Study (TIS) process. He stated the applicant hires a licensed PTOE and they look at the total number of units and area to determine the number of possible am and pm peak vehicles. There are national standards that PTOEs use for this determination. He noted they look at the need for streetlights and turn lanes. They also look at the capacity needs of those turn lanes, if needed. After the licensed PTOE prepares the TIS for the applicant, the City's licensed PTOE looks at the report to determine its validity. In response to Vice-Chair Preston's question, Mr. Arroyo stated the City's traffic engineer had no cause to question the integrity of the submitted TIS.

Commissioner Preston stated he believes this is one of the better housing developments he's looked at. He stated he agrees this won't stay as a vacant lot forever and believes the developer did due diligence with City staff and neighbors to bring it to this point. He said he wishes it could remain vacant but believes this would be a good use for the property.

Commissioner Wiley noted this case will still go to the City Council for a final vote.

Motion

Commissioner Wiley made a motion to approve Case 22-125-08 – Rezoning – 2610 and 2612 S. Lee's Summit Road, with conditions as outlined by staff. Commissioner Michell seconded the motion. The motion failed to receive a majority vote, with three affirmative and three opposing votes.

ADJOURNMENT

The meeting was adjourned at 9:45 p.m.